IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

WP(C).No. 7492 of 2007(S)

OP(G&W).810/2006 of FAMILY COURT, THIRUVALLA
.....

PETITIONER:

SABNA, AGED 32 YEARS, D/O.SALEENA,
THRIPTHI, PEROOR P.O., ERRUMANOOR,
KOTAYAM DISTRICT.

BY ADV. SRI.K.S.SIVA KUMAR
SRI.C.B.SREEKUMAR

RESPONDENTS:

SARITH.M., AGED 33 YEARS,
S/O.M.J.NJALHHAGOM MURI,
KAVIYOOR VILLAGE, TIRUVALLA TALUK,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.C.K.VIDYASAGAR
SRI.P.CHANDY JOSEPH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C) No.7492/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. PHOTOCOPY OF O.P.(G&W)NO.810/2006 FILED BY THE RESPONDENT BEFORE THE FAMILY COURT, THIRUVALLA DATED 16-11-2006.

EXT.P2. PHOTOCOPY OF OBJECTION FILED BY THE PETITIONER BEFORE THE FAMILY COURT, THIRUVALLA DATED 6-1-2007

EXT.P3. PHOTOCOPY OF THE DISCHARGE CARD ISSUED BY M/S.CARITHAS HOSPITAL, KOTTAYAM DATED 31-1-2007

EXT.P4. PHOTOCOPY OF THE APPLICATION DATED 12-2-2007

EXT.P5. PHOTOCOPY OF THE AFFIDAVIT AND PETITION DATED 12-2-2007

/ TRUE COPY /

KURIAN JOSEPH & K.T.SANKARAN,JJ.

W.P(C)No.7492 of 2007

Dated this the 22nd day of March, 2007

JUDGMENT

Kurian Joseph,J.

The writ petition is filed with the following prayers:-

> (i) to issue a writ of mandamus or any other appropriate writ, order or direction to the Family Court, Thiruvalla not to give the custody of 'Samvrath' minor child to the respondent at least he recover from the diseases.
>
> (ii) to issue a writ of mandamus or any other such writ, order or direction to the Family Court, Thiruvalla to consider the question of jurisdiction of the O.P.(G & W)No.810/2006 before initiating any further proceedings.

There will be a direction to the Family Court, Thiruvalla to decide the question of jurisdiction as a preliminary issue. Only after passing orders on that issue, the matter shall be further proceeded with. In the meanwhile, if the respondent files a petition for visiting the child, the petitioner shall produce the child in the Family Court on the date as ordered by the said Court.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg. (K.T.SANKARAN, JUDGE)